

JAN 18 2008

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

FELIPE IBARRA-CALOCA,

Defendant - Appellant.

No. 07-10139

D.C. No. CR-06-01396-FRZ

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
Frank R. Zapata, District Judge, Presiding

Submitted January 14, 2008

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Felipe Ibarra-Caloca appeals from his guilty-plea conviction and 60-month sentence for illegal reentry after deportation, in violation of 8 U.S.C. § 1326(a).

Pursuant to *Anders v. California*, 386 U.S. 738 (1967), Ibarra-Caloca's

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

counsel has filed a brief stating there are no grounds for relief, along with a motion to withdraw as counsel of record. We have provided Ibarra-Caloca the opportunity to file a pro se supplemental brief. No pro se supplemental brief or answering brief has been filed.

We have conducted an independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 83 (1988). We affirm the conviction, and dismiss the appeal of the sentence in light of the valid appeal waiver, *see United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000).

Counsel's motion to withdraw is **GRANTED**.

Conviction **AFFIRMED**; Appeal of sentence **DISMISSED**.